

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CODY JOSEPH DIAZ,

Defendant.

INDICTMENT

CR11-166 PAM/JSM

(18 U.S.C. § 924(c)(1)(A)(ii))

(18 U.S.C. § 924(d)(1))

(28 U.S.C. § 2461(c))

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Discharging a Firearm During a Crime of Violence)

On or about February 23, 2011, in the State and District of Minnesota, the defendant,

CODY JOSEPH DIAZ,

did knowingly use, carry and discharge a firearm, namely, a Remington Wingmaster Model 870, 12 gauge magnum with an obliterated serial number, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, specifically, the armed robbery of J's Liquors, a business engaged in interstate commerce, in violation of Title 18, United States Code, Section 1951(a); all in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

FORFEITURE ALLEGATIONS

Count 1 of this Indictment is hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section

2461(c). **SCANNED**

MAY 18 2011

U.S. DISTRICT COURT ST. PAUL

FILED MAY 11 2011

RICHARD D. SLETTEN, CLERK

JUDGMENT ENTERED

DEPUTY CLERK'S INITIALS

U.S. v. Cody Joseph Diaz

As a result of the foregoing offenses, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), any firearm with accessories or any ammunition involved in or used in the violation alleged in Count 1 of this Indictment, including a Remington Wingmaster Model 870, 12 gauge magnum with an obliterated serial number.

All in violation of Title 18, United States Code, Sections 924(d)(1), 2113(a) and 2113(d), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON